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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/856,969	08/01/2001	Chantal Cayuela	33339/234602	5142	
826	7590 10/09/2002				
ALSTON &	BIRD LLP	EXAMINER			
D	MERICA PLAZA TRYON STREET, SUIT	HINES, JANA A			
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CHARLOTT	E, NC 28280-4000		- ART UNIT	PAPER NUMBER	
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•			DATE MAILED: 10/09/2002		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Saminer			Application No.		Applicant(s)			
Ja-Na A Hines Ja4-Na Company Ja-Na A Hines Ja4-Na			09/856,969 CAYUELA ET AL.					
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Extracions of time rays be available under the provision of 3° CPR 1.13(a). In one went, however, may a rody be timely tited if the period for rejly specified above, the reactions of 3° CPR 1.13(b). In one went, however, may a rody be timely fitted if the period for rejly specified above, the reactions action period will provide the communication of the period for rejly specified above, the reactions action period will provide the communication of the period for rejly specified above, the reactions action period will provide the communication of the period for rejly specified and the period of the communication of the period of	• Office Action Summary		Examiner	9	Art Unit	 		
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Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any seared patent term adjustment. See 3 TCRT 1701. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-20 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are ebjected to. 8) Claim(s) 1-20 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by the Examiner. if approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. § 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Acknowledgment is made of a claim for domestic priority documents have been received in his National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121. **Matachment(s) Interview Summary (PTO-413) Paper No(s). 2) Notice of References Cited (PTO-982) 5) Notice of Informal Patent Application (PTO-152)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.							
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Application/Control Number: 09/856,969

Art Unit: 1645

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted. \cap

Group I, claim(s) 1-6 and 10-20, drawn to a composition which regulates the inflammatory response of enterocytes and a method for producing a composition which regulates the inflammatory response of enterocytes.

Group II, claim(s) 7-9, drawn to a process for screening novel lactic acid bacterial strain which modulate non-specific immunity.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Inventions I and II are related as process for screening and composition. The process comprises steps such as selecting bacteria strains capable of performing specific functions, whereas the composition and method of making the composition do not requires the specific use of said bacterial components. The composition can be used with different types of method steps such as a method for regulating inflammatory response of enterocytes. The composition and method have a different special technical feature when compared to the process claims. Accordingly, the groups lack the same technical feature.

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3. Applicant is advised that the reply to this requirement to be complete must

include an election of the invention to be examined even though the requirement be

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traversed (37 CFR 1.143).

4. Applicant is reminded that upon the cancellation of claims to a non-elected

invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by

a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

5. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Ja-Na Hines whose telephone number is

703-305-0487. The examiner can normally be reached on Monday-Thursday and

alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynette Smith can be reached on 703-308-3909. The fax phone numbers

for the organization where this application or proceeding is assigned are 703-308-4242

for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is

703-308-0196.

Ja-Na Hines

October 7, 2002

SUPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 1600